**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928**

**WP(C).No. 14248 of 2006(U)**
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**PETITIONER:**
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**AZEENA. M., ANEEZA MANSIL,**
**MELE VETTIPPURAM ROAD, PATHANAMTHITTA P.O.,**
**PATHANAMTHITTA.**

**BY ADV. SRI.N.NANDAKUMARA MENON**
**SRI.P.K.MANOJKUMAR**

**RESPONDENTS:**
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1. **THE KERALA AGRICULTURAL UNIVERSITY REPRESENTED BY ITS REGISTRAR, MAIN CAMPUS VELLANIKKARA, MANNUTHY, TRICHUR DISTRICT.**

2. **LAL BAHADUR SASTRY INSTITUTE, THIRUVANANTHAPURAM, REPRESENTED BY ITS DIRECTOR, THIRUVANANTHAPURAM.**

3. **JOMON SEBASTIAN, THUNDIYIL HOUSE, VILAKUMADAM, MALLIKASSERIL P.O., KOTTAYAM DISTRICT-686 579.**

**BY ADV. SRI.RENJITH THAMPAN,SC,KERALA AGRL.UTY**
**SRI.P.B.SURESH KUMAR SC, LBS CENTRE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C) NO.14248/2006**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE NOTIFICATION ISSUED BY THE UNIVERSITY AS PUBLISHED IN THE MATHRUBHOOMI MALAYALAM DAILY DT.23.2.04.**

**EXT.P2:- COPY OF THE ADMISSION TICKET NO.10800081 CATEGORY CODE 1 DT.18.12.05 ISSUED BY THE ISSUED BY THE UNIVERSITY TO THE PETITIONER.**

**EXT.P3:- COPY OF THE MEMO NO.GA/K2-29757/00 DT.17.2.06 ISSUED BY THE JOINT REGISTRAR, KERALA AGRICULTURAL UNIVERSITY , MAIN CAMPUS, VELLANIKKARA TO THE PETITIONER.**

**EXT.P4:- COPY OF THE NEWS ITEM THAT APPEARD IN THE MATHRUBHOOMI MALAYALAM DAILY DT.27.2.07 ISSUED BY THE UNIVERSITY.**

**EXT.P5:- COPY OF THE SHORT LIST PUBLISHED BY THE KERALA AGRICULTURAL UNIVERSITY NO.GA/K2/29757/2000 DT.17.2.06.**

**EXT.P6:- COPY OF THE RANKED LIST PUBLISHED BY THE KERALA AGRICULTURAL UNIVERSITY NO.GA/K2/29757/2000 DT.22.5.06.**

**/TRUE COPY/**

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**K. M. JOSEPH, J.**

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**W.P.C. NO. 14248 OF 2006 U**

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**Dated this the 14th March, 2007**

**JUDGMENT**

Case of petitioner, in brief, is as follows:

Petitioner applied for selection and appointment to the post of Library Assistant pursuant to Ext.P1 Notification. A written test was conducted by the respondent University with objective type questions. According to petitioner, she faired very well in the examination. Even though an interview was scheduled to be held on 27.2.2006, by Ext.P3 the University cancelled the same for reasons best known to the University. The test was conducted by the LBS Institute, Thiruvananthapuram. According to petitioner, there are several irregularities in the conduct of the test and valuation of the answer papers. Petitioner was included in Ext.P5 short list. She was not included in Ext.P6 rank list. Petitioner seeks to quash Ext.P6 rank list. She also seeks a mandamus to include her in the rank list.

2. A Statement has been filed. It is stated that the University notified four vacant posts of Library Assistant as per Notification dated 19.2.2004. The written test was held on 18.12.2005. As per the decision of the Executive Committee held on 27.1.2006, a short list of 70 candidates was prepared for interview. For the short list, candidates who obtained 35% and above marks in the written test were included. The short list was published in the order of merit so as to avoid any kind of influence in the interview. Before conducting the interview, the Executive Committee in its meeting held on 25.2.2006 decided to cancel the interview and published the rank list in the order of merit, considering the marks obtained in the written test alone. Thus, 27 candidates in the main list and two candidates in the Scheduled Caste Supplementary List was published vide Notification dated 25.2.2006. It is stated that 27 candidates in the rank list has scored forty per cent marks in the written test where the petitioner has got only 35.63 per cent marks in the examination and she is 57 in the rank considering her marks.

Thus, her name could not find a place in the rank list of 27 candidates. A detailed Counter Affidavit also has been filed. Essentially, the same arguments are reiterated. Petitioner has filed a Reply Affidavit also.

3. On the basis of a direction by this Court, the answer sheet of petitioner as also the answer sheets of the appointed candidates were made available. On going through the same, it is not in dispute that the petitioner answered 53 correct answers and answered 41 questions erroneously. Admittedly, 1/4$^{th}$ mark will be deducted for every wrong answer. Thus, the petitioner scored only 35.63 per cent marks. In such circumstances, I do not think that there can be any room for complaint. I also notice that the notified vacancies are only four. Therefore, I do not find any merit in the case of the petitioner. In such circumstances, the Writ Petition fails and it is dismissed.

Kbk. **K. M. JOSEPH, JUDGE**